

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-2, 4-14 and 16-20 are pending in the application. Claims 3, 8-12, 15 and 21-23 have been canceled.

The pending claims have been amended to address the formal matters raised in the outstanding Official Action. In addition, independent claims 1 and 13 have been amended to recite subject matter of claims 3 and 15, respectively.

The outstanding Official Action objects to the specification. However, the specification has been amended to incorporate the appropriate headings.

Pursuant to 37 C.F.R. §1.76, applicants filed the present application with an Application Data Sheet which recites the priority data of this application.

Claims 4 and 16 have been amended to overcome the objection proposed on page 4 of the Official Action. Applicants thank the Examiner for suggestions for how to overcome the objection.

Claim 7 was rejected under 35 U.S.C. 112, first paragraph, for allegedly not satisfying the written description requirement. However, claim 7 has been amended to recite a method for increasing lipolysis into adipocytes. This is

clearly supported in the present specification of page 8, lines 15-25 and in Example 6.

Claims 1-7 and 13-20 were rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite. This rejection is traversed.

Claims 1 and 13 were rejected for reciting the phrase "and/or". However, claims 1 and 13 have been amended so this phrase is no longer recited.

The Official Action also objected to the phrase "AA as an non-specified amino acid with one of its derivatives" in claims 1 and 13. Claims have also been amended so this phrase is no longer recited.

Claims 2-6 and 13-20 were rejected for reciting the term "characterized". However, the claims have been amended so that this term is no longer recited.

Claims 3 and 15 were rejected for allegedly being indefinite for reciting the phrase "the peptide is selected among peptides". However, claims 3 and 15 have been canceled.

Claims 5, 6, 8 and 19 were rejected for allegedly being indefinite for the recitation of various pharmaceutical solvents and vectors. However, applicant respectfully submits that claims 5, 6, 8 and 19 have been amended to clarify the solvents and vectors that are recited in these particular claims.

Claims 4 and 16 were rejected for reciting the term "preferentially". Claims 4 and 16 have been amended so this phrase is no longer recited.

Claims 5, 6, 18 and 19 have been amended to provide antecedent basis for the terms "solvents", "vectors", and/or "mineral supports".

Claims 5, 6, 18 and 19 have been amended so that the phrase "such as" is no longer recited.

Claims 5 and 18 were rejected for reciting the term "beforehand". While applicants understand that the term is broad, applicants believe it is definite to one skilled in the art. Nevertheless, in the interest of advancing prosecuting, the term is no longer recited in the claims. However, applicants do not disclaim that the peptide is already solubilized.

Claims 6 and 19 have been amended to recite that the peptide is adsorbed on powdered organic polymers or mineral supports. Accordingly, applicants believe that claims 6 and 19 are definite to one skilled in the art.

As noted above, the preamble of claim 17 has been amended in a manner that is definite to one skilled in the art.

Accordingly, applicants respectfully submit that the claims are definite.

Claims 1, 2, 4, 13, 14 and 16 were rejected under 35 U.S.C. (b) for allegedly being anticipated by LIU et al.

Applicant respectfully submits that LIU fails to disclose or suggest a tripeptide comprising $(AA)_n$ -RGF- $(AA)_n$, wherein the tripeptide as a protective grouping as recited in independent claims 1 and 13. Moreover, the range of concentrations cited in LIU are distinct from those recited in the claimed invention. Indeed, LIU disclose a 1/microgram/mL concentration of RGD peptide (see page 198, right column), which is distinct from the concentrations recited in claimed invention (e.g. 0.1 to 50 ppm).

Claim 13 is directed to a composition which recites a medium. In this regard, applicants believe that claim 13 recites more than "an intended use" of the tripeptide. In this regard, it is unclear as to why the Office Action states that the intended use of a compound does not necessarily impart patentability to the compound. Nevertheless, applicants submit that LIU fails to anticipate the claimed invention.

Claims 1 and 6 and 13-20 were rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over LIU in view of USDIN or ARRHENIUS.

Applicants respectfully submit that LIU fails to anticipate or render obvious the claimed invention for the reasons cited above. In effort remedy the deficiencies of LIU for reference purposes, the Official Action cites to USDIN or ARRHENIUS. However, neither USDIN nor ARRHENIUS disclose or suggest an RGS peptide as recited in the claimed invention.

Indeed, USDIN does not disclose and RGS as an isolated peptide, but rather discloses a non-related peptide of a longer length. ARRHENIUS discloses CS-1 peptidomimetics. However, ARRHENIUS fails to disclose or suggest the peptide with the protective group as recited in the claimed invention.


In this regard, applicants respectfully submit that one skilled in the art would lack the motivation to combine or modify either of the publications with LIU to obtain the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that from that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON


Philip Dubois, Reg. No. 50,696
Customer No. 00466
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

PD/lad